

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

TIFFANY OLEAN SMITH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:11-cv-237-MR-DSC
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER ON PLAINTIFF’S PETITION FOR EAJA FEES

In this case, the Court entered an agreed Order of Remand under sentence four of 42 U.S.C. § 405(g). Plaintiff then filed a timely petition for attorney’s fees, pursuant to the Equal Access to Judgment Act (EAJA), 28 U.S.C. § 2412(d). The Commissioner of Social Security ("Commissioner") responded that he did not contest Plaintiff’s status as prevailing party, substantial justification, the amount of time for which compensation was sought or the hourly rate requested.

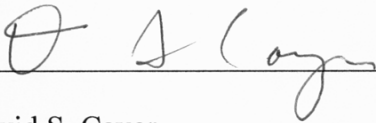
The Commissioner has provisionally agreed to accept an assignment of EAJA fees by Plaintiff to her counsel and pay EAJA fees directly to counsel on the condition that it is subsequently established by the Secretary of the Treasury that Plaintiff owes no debt to the Government that would be subject to offset under the Treasury Offset Program.

IT IS, THEREFORE, ORDERED that the Plaintiff’s Motion for Attorney’s Fees under the Equal Access to Justice Act and the Social Security Act is hereby **GRANTED** and that the Plaintiff is hereby awarded attorney’s fees in the amount of One Thousand Six Hundred and Thirty-One Dollars (\$1,631.00), which sum is in full satisfaction of any and all claims by the Plaintiff in this case pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

IT IS FURTHER ORDERED that the Commissioner shall inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset no later than thirty (30) days from entry of this Order. In the event that no offset exists, such sum shall be paid to Plaintiff's counsel in accordance with Plaintiff's assignment of such fees to her counsel.

SO ORDERED.

Signed: May 30, 2012

A handwritten signature in dark ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

